



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,805	02/07/2000	Mark R. Hillbush	21041-1300	9322

826 7590 03/31/2003

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

WOO, RICHARD SUKYOON

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/498,805

Applicant(s)

HILLBUSH ET AL.

Examiner

Richard Woo

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-189 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,7,8,9. 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims withdrawn from consideration are 6-8,16-18,29-31,39-43,46,48,55,56,61,63,65,74-77,84-88,91,93,101,102,106,108,110,122-162,165-167,174 and 176-189.

Continuation of Disposition of Claims: Claims rejected are 1-5,9-15,19-28,32-38,44,45,47,49-54,57-60,62,64,66-73,78-83,89,90,92,94-100,103-105,107,109,111-121,163,164,168-173 and 175.

DETAILED ACTION

- 1) Applicants' response to the restriction requirement is acknowledged.
- 2) Claims 6-8, 16-18, 29-31, 39-43, 46, 48, 55-56, 61, 63, 65, 74-77, 84-88, 91, 93, 101-102, 106, 108, 110, 122-162, 165-167, 174 and 176-189 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 10.

Information Disclosure Statement

- 3) The information disclosure statement filed June 19, 2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

- 4) The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5) Claims 1-5, 9-10, 21-28, 32-38, 44-45, 47, 49-54, 57-60, 62 and 64 are objected to because of the following informalities:

In Claim 1, line 9; Claim 21, line 11, respectively, "a" before "dispatch" should be changed to --the--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7) Claims 32, 44-45, 47, 57, 89-90, 92, 96 and 109 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 32, 47 and 57, respectively, each claim depends from the canceled claim and it is not clear from which corresponding claims each claim (32, 47 and 57) depends.

In Claim 44, lines 3 and 6, the recitations of "can" render the claim indefinite because it is not clear whether the field is actually selected by the customer or not.

Claims 45, 89 and 90 suffer the same indefiniteness as addressed above (Claim 44).

Method Claims 96 and 109 depend from Claim 21, respectively, which is directed to the system or apparatus, and it is not clear from which claim the claims 96 and 109 depend and whether Claims 96 and 109 should be directed to the method claim or apparatus claim.

Claim Rejections - 35 USC § 102

8) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9) Claims 1-5, 9-15, 19-23, 28, 33-36, 38, 51-53, 58-64, 66-68, 73, 78-81, 83, 97-98 and 103-107, are rejected under 35 U.S.C. 102(b) as being anticipated by Kadaba (WO 96/388800).

Kadaba discloses a system for processing package information, comprising:

an order receiving system (14);

a dispatch system (38);

a communication system (42, 44, 28);

a communications receiving device (52) used by the service person;

a package information processing component (40);

wherein the order to ship a package is an on call order to pick up the package at a place designated by the customer (drop box) (via package pickup system 56);

a package shipment status information system (46);

Art Unit: 3629

wherein the status information comprises tracking information (46);

the communication device being selected from the well known communication systems (see Figs.);

wherein the status information comprises the shipping history of the customer (database 46 storing the information);

a payment system (48) associated with the order receiving system;

wherein the order receiving system provides a shipment summary interface, the interface displaying service options: package pickup information, shipment summary information, adding another package to the shipment, shipping history information, shipment tracking information (see Figs.);

wherein the order receiving system provides a shipping history interface including shipping information fields, displaying shipping history information, shipping history display options including a "shipment details" option (see Figs.); and

a customer profile information system that stores preference customer information.

Kadaba further discloses the method for processing information associated with the system for processing package information as disclosed earlier.

10) Claims 111-112, 120-121, 163-164 and 168-169 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilz et al. (WO 98/24036).

Wilz et al. discloses a method for shipping a package, comprising:

receiving a customer entered order;

validating shipping information associated with the order;

printing a label for affixation to the package, the label containing label shipping information (see Figs.);

acquiring the package from the customer;

scanning a label affixed to the package (see Figs. for the scanner);

delivering the package to the recipient;

wherein the step of scanning the label is carried out at the point of acquisition of the package;

storing status information corresponding to the status of shipment of the package (tracking information);

wherein the shipping information includes information relating to the intended recipient; and

wherein the step of validating shipping information comprises validating address information of the intended recipient (using a zip code).

Claim Rejections - 35 USC § 103

11) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3629

12) Claims 24-27, 49-50, 69-72 and 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba in view of Wilz et al..

Kadaba discloses the system and method for processing the package but does not specifically disclose the invention including:

the dispatch system comprising a dispatch center for determining whether a pick up point is within a predetermined service area by reference to a zip code, wherein the dispatch system orders the service person to pick up within the service area, and provides the customer about the other drop-off location if the requested location is not within the service area; and

a delivery information acquisition device for scanning a label on the package, wherein the order receiving system comprises a web server.

Wilz et al. teaches, for a system and method for shipping a package, that the system and method include:

the dispatch system comprising a dispatch center for determining whether a pick up point is within a predetermined service area by reference to a zip code, wherein the dispatch system orders the service person to pick up within the service area, and provides the customer about the other drop-off location if the requested location is not within the service area (see Fig. 11B for displaying the shipping route, and location field); and

a delivery information acquisition device for scanning a label on the package (see the scanner in Figs.), wherein the order receiving system comprises a web server.

Since Wilz et al. and Kadaba are both from the same field of endeavor, the purpose disclosed by Wilz et al. would have been well recognized in the pertinent field of Kadaba.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Kadaba such that the dispatch system determines a pick up point by reference to a zip code within the shipping route; a scanner is provided for scanning a label on the package; and the order receiving system comprises a web server, as taught by Wilz et al., for the purpose of providing an Internet Access System which includes a up-to-date package routing, tracking and management system.

13) Claims 115-119 and 170-172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz et al. in view of Kadaba.

Wilz et al. discloses the invention as recited earlier but does not expressly disclose the invention including the step of:

- generating a dispatch order for pick up the package;
- communicating the dispatch order to a selected service person;
- receiving the dispatch order with a communications receiving device; and
- picking up the package at a place selected by the customer (drop box).

Kadaba teaches, for a system and method for processing the package, that the system and method include:

- a dispatch system (38);

Art Unit: 3629

a communication system (42, 44, 28);

a communications receiving device (52) used by the service person;

a package information processing component (40); and

wherein the order to ship a package is an on call order to pick up the package at a place designated by the customer (drop box) (via package pickup system 56).

Since Kadaba and Wilz et al. are both from the same field of endeavor, the purpose disclosed by Kadaba would have been well recognized in the pertinent field of Wilz et al..

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of processing the package of Wilz et al. such that the method includes generating a dispatch order for pick up the package; communicating the dispatch order to a selected service person; receiving the dispatch order with a communications receiving device; and picking up the package at a place selected by the customer (drop box), as taught by Kadaba, for the purpose of providing customers with direct access to a package delivery company's computer system to have a selection for shipping services from the computer system.

14) Claims 54, 82 and 99-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba in view of Hahn-Carlson (US 5,910,896).

Kadaba discloses the invention as recited earlier, but does not specifically disclose the invention including the steps of:

providing the order receiving system with a payment interface having payment options; and

obtaining a payment from the customer, (receiving credit card payment information).

Hahn-Carlson teaches, for a shipment transaction system and an arrangement thereof, that the system includes a payment interface system (Fig.1) and the payment arrangement.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the payment interface system and the payment arrangement into the invention of Kadaba, as taught by Hahn-Carlson, for the purpose of providing a convenient transaction protocol between the delivery, billing, and payment aspects of the shipment transaction.

15) Claims 113-114, 173 and 175 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz et al. in view of Hahn-Carlson (US 5,910,896).

Wilz et al. discloses the invention as recited earlier, but does not specifically disclose the invention including the steps of:

providing the order receiving system with a payment interface having payment options; and

obtaining a payment from the customer, (receiving credit card payment information).

Hahn-Carlson teaches, for a shipment transaction system and an arrangement thereof, that the system includes a payment interface system (Fig.1) and the payment arrangement.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the payment interface system and the payment arrangement into the invention of Wilz et al., as taught by Hahn-Carlson, for the purpose of providing a convenient transaction protocol between the delivery, billing, and payment aspects of the shipment transaction.

Conclusion

16) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,285,916 is cited to show a delivery tracking system for tracking packages during internal state of delivery within an organization after receipt of the package from a package delivery service. The system utilizes a portable data entry and data processing device.

US 6,463,420 is cited to show a method and system for tracking over a computer network, orders placed with a supplier and shipped by any of different carriers, the tracking within the confines of the supplier's website.

US 6,411,891 is cited to show an advance notification system and method notifying users of the arrival of a transportation vehicle at a particular vehicle stop. The system includes an onboard vehicle control unit for each vehicle and a base station control unit for transmitting notification messages to users.

WO 99/22339 is cited to show an integrated data collection and transmission system and method for collecting and transmitting data related to package delivery. The system and method utilize various components that are commonly connected via one or both of an infrared communications link and a micro-radio link.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
March 24, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600